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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,387	05/25/2000	Hidehiko Kando	29284/504	6130
7590	02/03/2005			
Edward W Greason Esq Kenyon & Kenyon One Broadway New York, NY 10004			EXAMINER PSITOS, ARISTOTELIS M	
			ART UNIT 2653	PAPER NUMBER

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/578,387	KANDO ET AL.	
	Examiner	Art Unit	
	Aristotelis M Psitos	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 December 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5,9 and 10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,9 and 10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

Applicants' response of 12/2/04 has been considered with the following results.

Claim Rejections - 35 USC § 102

1. Claims 1,5,9, and 10 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kobayashi. The following analysis is made:

Claim 10	Kobayashi ('695)
An information reproducing apparatus	see description starting at col 9 line 61, this is Drawn to figure 6 both a rec & repr. apparatus inherent in the optical head/see element 13 in Figure 7. or element 57 in figure 11
An energy beam generator	
Power adjustment mechanism	present through feedback loop to element 57 By element 53
Holding mechanism	inherent – platter that the disc lays on
Moving mechanism	sled motor 36
Detector	see figure 7, element 23, rf, pp, fe detector
Clock generation circuit	elements 40 & 35
Frequency changer circuit	see discussion of 35B

In the above reference, the ability of altering, by use of the frequency division circuit element 35B a conversion multiplying factor between the period of the detected wobbling signal – which is detected by element 40, ^{by} and a pre-recorded information of control data – which the examiner interprets as the address id data, see the discussion with respect to col. 9 line 63 to col. 11 line 61.

Method claim 9 is met when the above apparatus operates, i.e., the steps are present.

With respect to claim 5, this differs from claim 10 in that it is drawn to a recording clock signal, as opposed to a reproducing clock embodiment.

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However, because the system of Kobayashi is both drawn to a recorder and reproducer, and in fact describes the variation in the clock for both recording and reproducing, the examiner considers the elements claimed in this claim as also being met.

The limitations of claim 1 (method claim) are met when the above system operates as a recording device.

The examiner concludes that the power adjustment mechanism (variations in power level) are inherently present in the above system so as to record the information signal appropriately.

If applicants can convince the examiner that such a mechanism is not inherently present in the above reference, the examiner would develop additional art so as to teach such power variations.

Response to Arguments

Applicants' arguments with respect to claims 1,5,9 and 10 have been considered but are moot in view of the new ground(s) of rejection. *The claimed elements are met as analyzed above.*

2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of the present state of DVD-RAM formatting.

Applicant has acknowledged such formatting as existing, and the appropriate buffer regions before and after the data regions are known. As the zonal factor varies, increase, since the linear data density is kept constant, the buffer area size increases as recited.

The examiner interprets claim 4 to mean that as the buffer size area diminishes in size, there is information recorded therein.

Response to Arguments

Applicants' arguments with respect to claims 1,5,9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Owa et al – see the discussion of his figures 6 and 7. This reference also discloses the above elements as analyzed with respect to the claims and could be relied upon in place of the Kobayashi reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
Art Unit 2653

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